

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
AMARILLO DIVISION

CHESTER FINNEY SR.
TDCJ-CID No. 1493956,

Plaintiff,

v.

2:23-CV-0003-Z-BR

NURSE NFN WISE,

Defendant.

ORDER ADOPTING FINDINGS, CONCLUSIONS, AND RECOMMENDATION

Before the Court are the findings, conclusions, and recommendation of the United States Magistrate Judge to dismiss the Complaint pursuant to 42 U.S.C. Section 1983 filed by Plaintiff (ECF No. 11) and Plaintiff's Motion for Extension of Time to File Objections ("Motion") (ECF No. 12). No objections to the findings, conclusions, and recommendation have been filed. After making an independent review of the pleadings, files, and records in this case, the Court concludes that the findings, conclusions, and recommendations of the Magistrate Judge are correct. It is therefore **ORDERED** that the findings, conclusions, and recommendations of the Magistrate Judge are **ADOPTED** and the following causes of action are **DISMISSED** with prejudice:

1. Violation of Plaintiff's due process rights;
2. Violation of federal privacy laws; and
3. Negligence.

It is **FURTHER ORDERED** that Plaintiff's equal protection claim is **DISMISSED** without prejudice. Plaintiff may amend this cause of action to state a claim within 20 days of the date of this Order.

It is **FURTHER ORDERED** that Plaintiff's Motion (ECF No. 12) is **DENIED**. Plaintiff dated the Motion to January 9, 2024, and it was filed on January 17, 2024. ECF No. 12. The findings, conclusions, and recommendation did not become ripe for review until January 26, 2024, meaning Plaintiff had seventeen additional days to prepare and file objections — not four as Plaintiff alleges. *Id.* Time extensions are within the Court's discretion and it sees no reason to grant one here. *See* FED. R. CIV. P. 6(b)(1)(A) (allowing courts to extend deadlines, with or without motion, for good cause).

SO ORDERED.

January 26, 2024.



MATTHEW J. KACSMARYK
UNITED STATES DISTRICT JUDGE